sexmatters
in life | in law

Media handbook

on sex and gender

sexmatters

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Introduction

This handbook explains when and why it is right for journalists and editors to talk about people's sex, and the problems that result if they fail to do so. It prioritises accuracy, comprehensibility and maintaining public trust, and within those constraints, minimising possible offence.

It is published by Sex Matters, a human-rights organisation that focuses on sex-based rights in the UK. Sex Matters has produced several more detailed documents that will help with specialist reporting on issues that touch on sex and gender. These include:

- Sex and the law
- Gender-critical: your rights at work
- A briefing on "conversion therapy"
- A guide to pronoun rules in the workplace
- A survey on single-sex spaces and services
- An overview of groups working to defend sex-based rights.

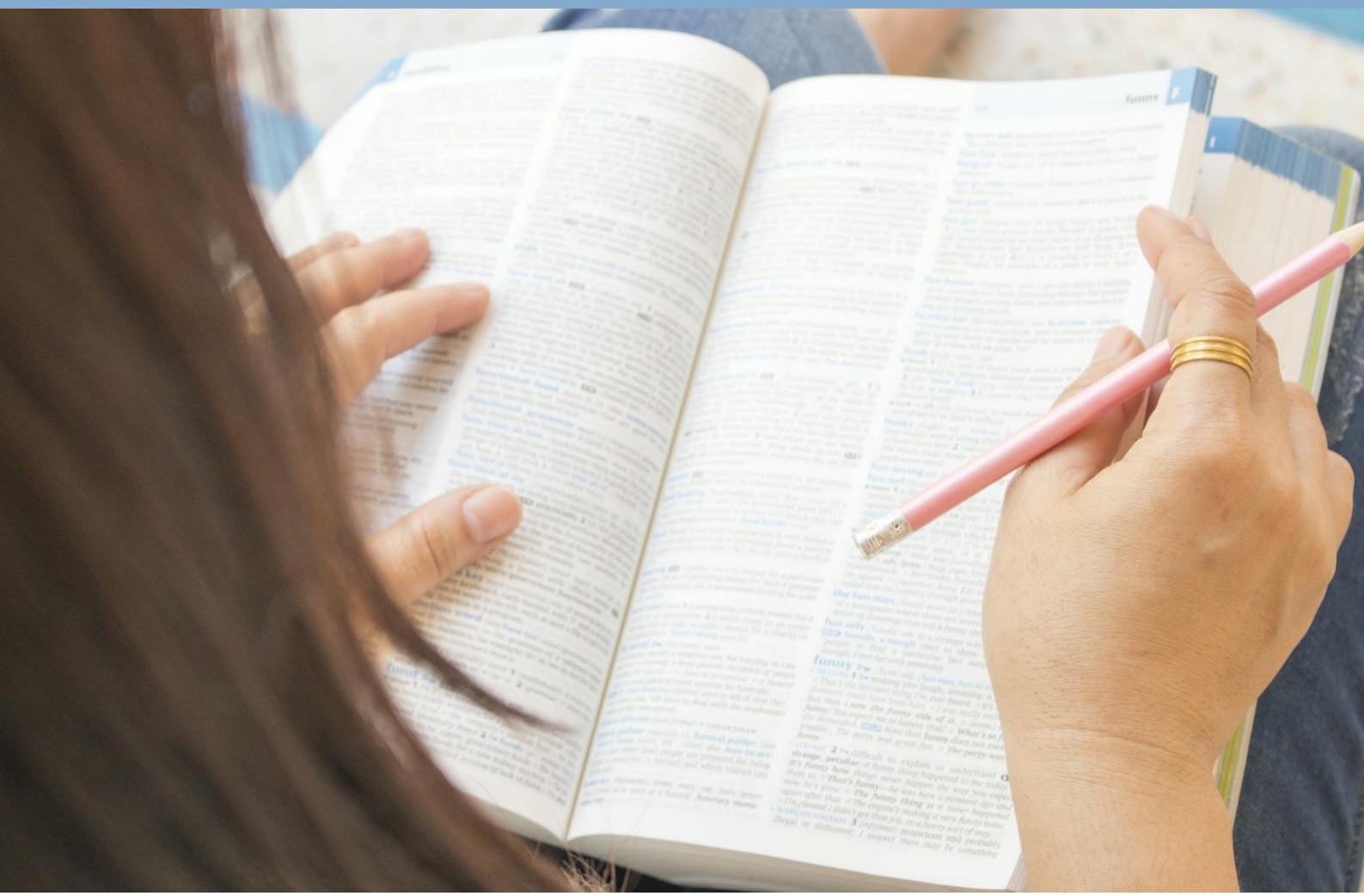
Using the handbook

There are three sections:

- a glossary of frequently used terms
- the law regarding sex and gender as it relates to journalists
- issues that arise when reporting on specific topics.

Important advice is blue and bold.

Glossary



Sex

Sex in humans (and all other mammals) is determined at conception, and observed at birth (and often before) by medical professionals.

Avoid the phrase "assigned at birth", which is scientifically inaccurate.

In very rare cases (< 0.02%)[1] there may be some doubt as to which sex a newborn baby is. In these cases further investigation may be required to see if the child has a DSD (difference, or disorder, of sex development). This investigation will also establish the child's sex, since DSDs are sex-specific (that is, each condition affects only males, or only females).

The qualifying adjectives "biological" or "natal" are not needed except occasionally, to avoid confusion with "sexual intercourse".

Male/female

"Male" and "female" are objective, evolved biological categories. They apply beyond our own species, right across all complex life forms. This, not self-identification, is the meaning established in British statute and case law[2].

- "**Male**" refers to individuals, or body parts, that have followed the developmental pathway that evolved to support the production of sperm.
- "**Female**" refers to individuals, or body parts, that have followed the developmental pathway that evolved to support the production of eggs.

Man/woman

In ordinary usage, these words refer to male and female adults, respectively. In the UK, this is also the legal meaning of the two words. The Equality Act 2010 s.212 defines man/woman to mean "male/female of any age".

[1] Sax L. 'How common is intersex? a response to Anne Fausto-Sterling'. *J Sex Res,* 2002 Aug; 39(3):174–8.

[2] For example *Corbett v Corbett [1971] P. 83, [1970] 2 All E.R. 33* and *Bellinger (FC) (Appellant) v Bellinger [2003] UKHL 21*

Gender

This term is so ambiguous that journalists should avoid it unless they clarify which meaning is intended.

It is most often used as a polite synonym for (biological) sex to avoid the double meaning of "sexual intercourse".

It is also frequently used to refer to sex-stereotyped roles (masculinity and femininity).

And finally, some people use it to indicate an inner sense of being a man or woman; see Gender identity.

Journalists should take care not to mix and match these meanings, for example using "gender" to mean the objective reality of sex and then switching without warning to mean a self-declared identity.

Gender identity

An inner sense asserted by some people of being male or female, or indeed another novel identity, such as non-binary, which may or may not match a person's sex.

There is no evidence that all, or even most, people experience this. Indeed many people assert they don't.

Do not assume that your readers will know what you mean by "gender identity", or that everyone has one.

Gender dysphoria

This is a medical diagnosis given to people who suffer grave discomfort with the reality of their sexed bodies, or with being perceived by others as members of their sex.

It is often described as a mismatch between gender assigned at birth and gender identity. But this formulation is best avoided, since neither sex nor gender is "assigned at birth", and the existence of innate gender identity is scientifically unsupported. This makes it an activist description, rather than neutral.

A diagnosis of gender dysphoria is required to change the sex marker on a birth certificate. It is not required to change the marker on some other identity documents, such as a passport or driving licence, or on medical records.

In recent years gender clinicians have de-emphasised this diagnosis, and many now speak of "**gender incongruence**", in which people dissociate from their sex, perhaps without any discomfort.

If someone is ill at ease with their sexed body but does not have a diagnosis of gender dysphoria, it may be wise to follow the lead of Dr Hilary Cass, the eminent paediatrician who has been commissioned to examine NHS gender services for children, and **use the neutral descriptors "gender distress" or "gender confusion" and formulations such as "gender-questioning children"**.[3]

Transgender, or trans

Transgender and its abbreviation, trans, have two subtly different meanings.

The first refers to people who have a gender identity that differs from their sex. This definition, which makes sense only if you believe gender identity exists, positions "transgender" or "trans" as something that a person *is*.

The second refers to people who assert a gender identity different from their sex – that is, people who *do* something. In the Equality Act 2010, this action is called "gender reassignment". A person has this protected characteristic if he or she is

> "proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex."[4]

That process can be anything from declaring a trans identity or changing self-presentation or the sex marker on documentation to undergoing hormone treatment or surgery, or getting a Gender Recognition Certificate (see Gender Recognition Act).

Many trans people identify as members of the opposite sex; others assert novel identities outside this binary, such as non-binary (a posited identity other than man/woman), gender-fluid (an identity that varies) or agender (identifying as not having a gender).

You cannot assume that a trans person presents in any particular way or has received a diagnosis of gender dysphoria, still less that they have undergone any medical or surgical procedures, or changed any identifying documents or received a Gender Recognition Certificate.

[3] The Cass Review (2022). *Independent review of gender identity services for children and young people: Interim report.*

[4] Equality Act 2010, section 7 (1).

Cisgender, or cis

People who believe in innate gender identity use these adjectives for people to whom they attribute a gender identity that is the same as their sex. Using them implies that you think there are women of both sexes, and men of both sexes. This belief is not universally shared, and is not reflected in law.

People who do not believe in innate gender identity usually do not regard “cis” or “cisgender” as applicable to themselves. Moreover, many feminists object to the implication that they feel some sort of affinity with the sex stereotypes they regard as defining gender.

Cis and cisgender are therefore not neutral, impartial words. Journalists should not use them of people who do not use them of themselves. To do so is to present those people as within a belief system they do not share – rather like calling an atheist a “heretic” or “apostate”, which suggests that they know God exists but reject him, rather than disbelieving in God altogether.

If cis or cisgender is used by a contributor, or in a quote, it should be explained with a definition that does not assume belief in innate gender identity.

Transition

A colloquial way of referring to any process of gender reassignment. No particular steps, other than asserting a trans identity, are required.

Many people assume that all trans people take cross-sex hormones and have surgery to make their chest and genitals look more similar to those of the opposite sex. In fact, only a minority have ever even taken hormones, and a tiny minority have undergone any surgery. The most common surgery is “top surgery” – a euphemistic description for breast implants for transwomen, or elective double mastectomy for transmen. Fewer still have undergone surgery on their genitals. Regardless, a male person cannot actually become a female, or vice versa. **So avoid misleading and inaccurate formulations such as “used to be a man” or “transitioned from female to male”.**

Most people instinctively and reflexively recognise the sex of the other people around them. Only a tiny number of trans-identified people “pass” – that is, look like members of the sex they identify with, rather than the sex they are. In most cases, the actual sex of a trans person is easily discernible.

Transman/transwoman

- A **transman** is a female person who identifies as a man – another term is trans-identifying female, or TIF.
- A **transwoman** is a male person who identifies as a woman – another term is trans-identifying male, or TIM.

These words to describe trans people are controversial. Some trans lobby groups insist on "trans man" and "trans woman" because they regard "trans" as a qualifying adjective. The implication, in the activist slogan, is that "trans men are men; trans women are women". This is not the case in either law or material reality. **We have used "transman" and "transwoman" in this guide**.

Sex change, or gender-reassignment surgery

These are vague and misleading expressions. Sex cannot in fact be changed or "reassigned". Gender, in the sense of gender identity, is supposed to be distinct from physiology, so it makes no sense to think that surgery has anything to do with it.

Medical technology is far from being able to create functional genitals out of other body parts. So it is not possible to construct a penis for a woman, or a vagina for a man. It is more accurate to say "neophallus" and "neovagina" if this level of detail is required.

Most people understand from these phrases that someone has undergone full-scale remodelling of their sex organs. **If there is a reason to mention such surgery, it is more accurately described as "genital surgery" or some similar phrase.**

Non-binary

This adjective is used for people who do not identify as either men or women (or sometimes as either male or female). Non-binary people include people who present as typical members of their sex; people who pick and mix from both sexes' stereotypical presentations; and people who take hormones or undergo surgery in order to present with a combination of secondary sex characteristics (such as a bearded man who takes oestrogen in order to develop breasts).

Remember that however people identify, as a matter of both material reality and law they are always either male or female. You should therefore avoid implying that people who identify as non-binary are of neither sex, or somewhere in between the two sexes.

Pronouns

Pronouns are short words used in place of nouns: he/him for male people; she/her for female people; they/them for groups of people; it for objects.

It is a key demand of transactivists that people should be referred to by "preferred pronouns" – that is, the pronouns that match their declared identity rather than their sex. Many media organisations have bowed to this demand. But they have done so, in many cases, without considering the potential for seriously misleading their audience.

Using preferred pronouns means referring to men who identify as women as "she" and "her", and women who identify as men as "he" and "him". A person who asserts a non-binary identity may want to be referred to as they/them. But your audience will naturally assume that anyone you refer to as he/him is male, and anyone you refer to as she/her is female, and will be confused by the use of a plural pronoun to refer to a named individual, which is not common usage.

The latest trend is invented "neo-pronouns". Some are highly idiosyncratic, such as catgender (pronouns nya/nyan) or emojigenders (which use emojis in place of pronouns). This may be the point at which your editor loses patience, and decides to revert to referring to people by their sex.

If you are quoting or referring to someone about an issue unrelated to sex and gender identity – stock-price movements, say – it does not matter what their sex is and whether they are trans-identified. In such situations, using their preferred pronouns will avoid unnecessary offence and will not seriously mislead your audience.

If sex or trans status is relevant to the story, however, you should make this clear right at the start. It is your duty to ensure your audience has all the information it needs to evaluate the standpoint and contribution of every contributor or person quoted.

This is especially important in headlines and standalone material on social media, and when reporting on activities or situations where sex differences are significant. Examples include crimes, senior business appointments and sporting achievements.

This would mean saying, for example: "Trans-identified male athlete Jo Bloggs wins female swimming competition"; "Jo Bloggs, a male who started identifying as a woman last year, was convicted of rape", and so on.

If your outlet requires you not to use sex-based pronouns for trans-identified people, try rewording to avoid pronouns altogether. This will be unnatural and repetitive, but where preferred pronouns would be seriously misleading it may be the least bad option.

Intersex (differences, or disorders, of sex development (DSDs))

"Intersex" is an outdated and misleading umbrella term used to refer to people with **differences, or disorders, of sex development (DSDs)**. Contrary to what the word suggests, these people are not somewhere between male or female.

DSDs are around 40 distinct conditions that influence the development of the reproductive organs. Almost none of these raises the slightest question of whether an individual is male or female.

For a tiny proportion of DSDs, a newborn baby's genitalia are ambiguous, and further investigations are necessary to establish their sex and DSD. Accurate diagnosis is essential, since some DSDs cause serious, even life-threatening, symptoms and require urgent treatment.

DSDs are sex-specific, that is, some affect only females and others only males. It is offensive and othering to describe people with DSDs as neither male nor female, as something in between, as a third sex, or as evidence that sex is a spectrum or not binary.

There is no connection between having a DSD and identifying as trans.

DSDs are the origin of the phrase "assigned at birth". It was first used for infants with ambiguous genitalia who used to be subjected to medically unnecessary and harmful surgeries in order to make their genitals look more "normal". Sometimes this meant removal of sex organs, sterilisation and recategorisation as a member of the opposite sex – a non-consensual form of sex reassignment. This is increasingly recognised as a serious human-rights abuse.

Journalists should therefore avoid the phrase "assigned at birth". It appropriates the traumatic history of these infants to prop up false claims about the supposed malleability or non-binary nature of sex.

Desister or detransitioner

These words are not always used consistently.

- The most usual meaning of "**desister**" is someone who at some point identified as trans without undergoing any medical or surgical transition, and then abandoned that identification.

- The most usual definition of "**detransitioner**" is someone who underwent medical or surgical transition, only to regret having done so and cease attempting to present as something other than their actual sex.

The share of trans people who later desist or detransition is unknown, for several reasons:

- The only long-term studies predate the recent large increase in the number of people identifying as trans, and the shift from those people being mostly young boys and middle-aged men to being mostly teenage girls.
- Treatment pathways have changed since those studies. Until very recently, no children were socially transitioned or given puberty blockers, and there is good reason to think that this early medicalisation makes trans identification more likely to persist for at least some years. It is unknown whether these people who would otherwise have desisted before medicalisation will be more or less likely to detransition than previous cohorts.
- Gender clinics almost never keep in touch with their patients long-term, and few detransitioners notify their clinics that they have abandoned their transition.

Detransitioners are a vulnerable and often traumatised group – among the most you will ever report on. You should regard them as victims of systematic medical malpractice who are being denied recognition or recompense.

Most have undergone life-changing treatments with irreversible effects that may include harms to their health from cross-sex hormones and the alteration of secondary sex characteristics that complicate attempts to present as the sex they really are.

They may be grieving the loss of body parts, and perhaps sterility. They must cope with self-hatred and self-blame; although they were misled by doctors, many feel self-loathing for the part they played in bringing harm upon themselves.

Gender-critical

This does not mean "critical of transgender people". It means recognising sex as binary and immutable, and believing that acknowledging this matters for everybody's rights, especially for women's.

The expression has its origins in the feminist concept of "gender" as the restrictive social stereotypes imposed on the two sexes. Masculine gender stereotypes include being competitive, liking sport, suiting leadership roles and repressing emotions. Feminine gender stereotypes include being cooperative, liking shopping, being submissive and showing emotions.

Originally, gender-critical people were those who wanted to see gender in this sense done away with, so that boys and girls, men and women, could fulfil their potential and act authentically without facing criticism or prejudice. This is particularly important for gender non-conforming people: those who act in ways that markedly deviate from the stereotypes for their sex. This group contains a high proportion of gay people, but plenty of straight people too.

Use with care and note that the *Forstater v CGD*[5] ruling in the Employment Appeal Tribunal in 2021 established that gender-critical beliefs are protected under the Equality Act 2010.

Transphobic, or anti-trans

Be careful not to use the words "transphobic" or "anti-trans" for people campaigning for women's rights, or for sex-based rights more generally.

Doing so implies that trans rights are incompatible with sex-based rights. Since surveys show that the great majority of people strongly support sex-based rights, this harms trans-identified people by presenting them as opposed to other people's human rights.

People who campaign for sex-based rights rarely harbour any animus towards trans people. Their reasons for wanting single-sex spaces, services and sports have nothing to do with wishing to exclude trans people; they merely wish to ensure suitable, dignified provision for everyone. This necessarily means excluding everyone, no matter what their identification, from spaces designated for the sex they are not. Wherever possible, "third spaces" – single-user, gender-neutral facilities – can accommodate anyone who does not feel comfortable using the facilities designated for their sex.

TERF, or trans-exclusionary radical feminist

Avoid this term for two reasons: it is inaccurate, and it is a slur.

First, the main use of this word is to refer to someone who does not believe that male people can be women, or that female people can be men, and who supports the provision of single-sex spaces and services (which are, by definition, closed to everyone of the opposite sex). Most people fall into this category, but are neither trans-exclusionary nor radical feminists.

[5] *Forstater v CGD Europe and others [2021] UKEAT/0105/20/JOJ*

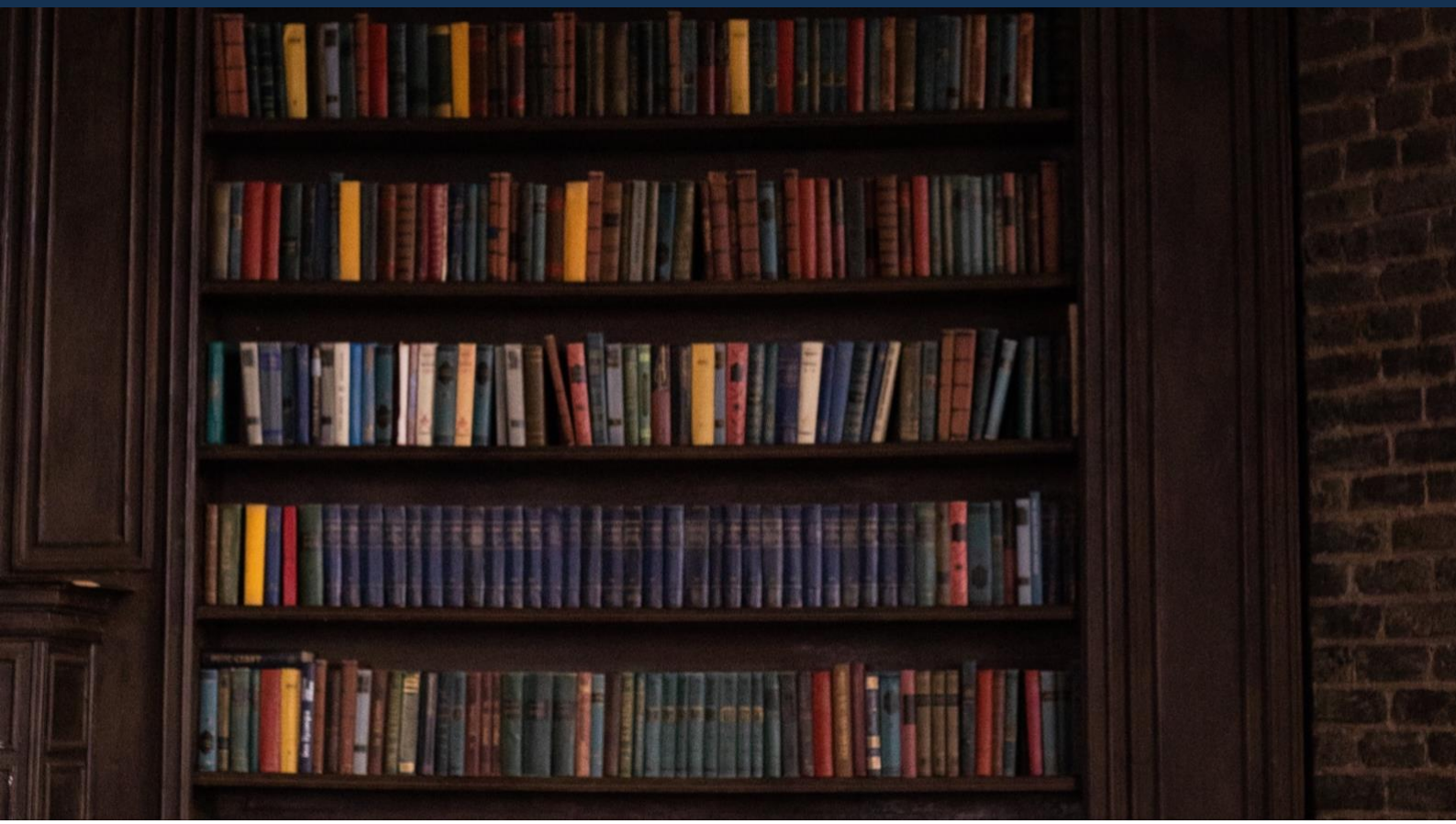
Most people understand the phrase “trans-exclusionary” as meaning “seeks to exclude trans people from everyday life”. But people who support single-sex spaces generally support the full inclusion of everyone in everyday life, no matter how they present or identify. What they oppose is allowing self-declared gender identity to override sex in spaces where sex matters, such as single-sex spaces and services. In other words, they oppose gender-identity ideology, not trans people’s human rights.

As for “radical feminist”, this refers to a specific strand of feminism that sees feminism as a struggle by female people to liberate themselves from the patriarchy.

The second reason for avoiding the word TERF is that it is a slur, often used in conjunction with insults and threats, often sexualised. A quick search on social media will find plenty of examples: “TERFs must die”; “Punch TERFs”; “TERFs can choke on my girldick”; and so on.

What makes words slurs is how they are used. TERF is no more a neutral acronym than the four-letter version of Pakistani is a neutral abbreviation, or the n-word is a neutral variant pronunciation of the old-fashioned word “negro”.

The law on sex and gender



Overview

When covering individuals who identity as transgender, categories of people (such as men and women) or transgender issues, you should take the same approach as with any other group or topic. That means paying the same attention to honesty, accuracy, impartiality, rigour and respect for privacy, and to avoiding conflicts of interest, libel, contempt of court or the identification of a victim of sexual assault.

Start from the position that individuals' sex should be reported accurately, as it is a straightforward fact and to do otherwise would risk misleading your audience.

Describing a male person as male and a female person as female is always true and therefore defensible. The sole exception concerns privacy restrictions imposed by legal order concerning an individual, when your best option may be to refer to them without using sexed words. You are never required to lie about a person's sex.

In reporting varying viewpoints regarding sex and gender, it will always be relevant whether someone you quote or mention is male or female, and whether or not they identify as trans. If you exclude this information, your audience will not have all the information they need to assess your sources.

Sex and "gender reassignment" (being transgender) appear in various laws relating to specific areas such as marriage, parenthood, employment and service provision. If your coverage concerns these laws, you will need to understand them. But they do not dictate how you report on or describe individuals or natural categories, or the language you use. You should strive always to be accurate, clear and comprehensible.

In UK law, the two sexes are defined in the same way as in everyday language. That is, women are the sex (female) that is able to get pregnant and give birth and become mothers. Men are the sex (male) that is able to impregnate and become fathers. The only (arguable and partial) exception to this is when an individual has a Gender Recognition Certificate.

This has been confirmed by several legal cases[6] and is set out in statute, most notably in the **Equality Act 2010**, which defines woman as a female of any age and man as a male of any age.

- People who identify as transmen (or "trans men" or "transgender men") are women.
- People who identify as transwomen (or "trans women" or "transgender women") are men.

[6] For example *Corbett v Corbett [1971] P. 83, [1970] 2 All E.R. 33* and *Bellinger (FC) (Appellant) v Bellinger [2003] UKHL 21*.

The Gender Recognition Act, or GRA (2004)

This law enables people to change the sex that is recorded on their birth certificate and used for some legal purposes. They do this by obtaining a Gender Recognition Certificate (GRC), which requires them to show that they have a diagnosis of gender dysphoria, have lived "in the acquired gender" for two years (this involves steps such as changing their name on bills and at work) and intend to continue living in this identity. No medical treatment or surgery is required.

Around 6,000 people have obtained a GRC in the UK since 2005 (around one person in 10,000). It has been estimated that around 500,000 people may identify as transgender, non-binary or another gender identity (more than one person in 150). This estimate includes part-time cross-dressers. Thus most people who identify as transgender do not have a GRC.

A GRC changes a person's sex for some legal and bureaucratic purposes, such as marriage and pensions. In several other specific situations, including parenthood and the inheritance of titles and property, laws have been written so that the "acquired gender" has no legal force. A woman with a GRC that states her "acquired gender" as male will be recorded as the mother, not the father, of any child she gives birth to. A legal challenge seeking to allow her to be registered as the father failed in 2020 (McConnell v Registrar General)[7].

If a person has learned in an official capacity (for example, as an employer or a government official) that someone else has a GRC, it may be a criminal offence to disclose that information. (No prosecutions have been brought under this provision.) There are several exceptions, such as for the purpose of proceedings before a court or tribunal, and for the purpose of preventing or investigating crime.

It is not illegal to ask if a person has a GRC. However, the person is under no obligation to give you that information, and the inquiry could be considered inappropriate. Only when you receive information relating to a person having a GRC, and the person who disclosed that information obtained it in an official capacity, is there a potential criminal offence (committed by the person disclosing the information to you).

The Gender Recognition Act's prohibition on disclosure does not relate to information that is already in the public domain, or that comes from ordinary perception.

As a journalist, you are unlikely to learn someone's sex "in an official capacity" (for example by looking at their official personal data), but rather by perceiving what sex they are, hearing them described by others or knowing their personal history. It is almost always easy to tell a person's sex from their appearance and voice.

[7] *McConnell v Registrar General [2020] EWCA Civ 559.*

If you do not know whether a person has a GRC, but do know that they are trans – perhaps because they have told you, you knew them under their previous identity or their sex is easily discernible – it is permissible to report that they are trans. The clearest way to convey this information may be to state their sex using the word "male" or "female" (for example: Ms X is a transwoman – a male person who identifies as a woman). **Always remember that your first duty is to ensure your audience understands you.**

"Misgendering" is not against the law. Although a person who identifies as transgender may not wish to be described accurately in terms of their sex, and may experience it as a harm to their reputation, it is not libel as it is the truth. It is not illegal to report someone's sex accurately or to mention that they are transgender. There are no laws that require people to use particular pronouns for people or to describe male people as women or female people as men.

Many people wish to use clear language about the two sexes, or about particular individuals. It has been ruled in a precedent-setting court case that the "gender-critical" belief that human beings cannot change sex is "worthy of respect in a democratic society". This means the belief does not inherently destroy other people's rights.

Some people may wish to use "preferred pronouns" and to describe transgender people (or particular individuals) as the sex they wish to be treated as. Some people may choose to use different words in different situations.

The Equality Act 2010

This act makes it unlawful to discriminate against someone in areas such as employment, education or service provision because of a protected characteristic (such as age, sex, sexual orientation, race, disability, pregnancy or gender reassignment). That does not mean that people with protected characteristics are a special class – everyone has a range of protected characteristics.

The protected characteristics are often misstated, with "sex" replaced by "gender" and "gender reassignment" replaced by "gender identity". In fact neither gender nor gender identity is listed.

The protected characteristic of "gender reassignment" means that a person who tells someone else they are transitioning or who takes actions to present in the style of a member of the opposite sex should not be discriminated against at work or in using services. It is often wrongly stated that the protected characteristic of gender reassignment means that by law a person can self-identify their sex, or that referring to them by their actual sex is unlawful discrimination. Neither of these is true.

The people a journalist reports on do not fall into a category such as employees or customers. Thus the content of your reporting, and the words that you use, are not dictated by the Equality Act.

Nothing in the Equality Act prohibits accurately reporting direct or documented speech, or (where necessary) clarifying the sex of the person being described if direct quotes would be confusing to readers.

Single-sex provision

Much of the conflict over trans issues concerns whether people who identify as members of the opposite sex may access spaces and services set aside for that sex. In fact, the Equality Act 2010 expressly provides for employers and service-providers to provide spaces and services that are open only to people of one sex, and to exclude everyone of the other sex, even those with a GRC, where there are good reasons for their exclusion. Everyday examples include single-sex toilets and changing-rooms.

It is inaccurate to describe people as bigoted or "anti-human rights" if they oppose trans-identified people using spaces and services that match their stated gender rather than their actual sex. Such people are merely arguing to uphold current legal protections for sex-based human rights.

Hate crime

Under the Sentencing Act 2020, when courts are considering the seriousness of an offence, if an offender demonstrated hostility towards the victim based upon the victim being (or being presumed to be) transgender or if the offence was motivated (wholly or partly) by hostility towards persons who are transgender, then they are required to treat this as an aggravating factor.

For the hate crime aggravator to be used there must be an underlying crime (such as assault or theft). In 2018–19, 94 victims of crimes with a transgender hate aggravator were recorded in England and Wales.[8]

It is sometimes said by lobby groups that there is a vast amount of unreported transgender hate crime. However much of what is reported as "hate crime" in surveys is not in fact criminal. Common complaints include "intrusive questioning" and "misgendering", which may be unwelcome but are not crimes.

[8] Crown Prosecution Service (2019). *Hate crime report 2018–2019*.

Hate speech

"Hate speech" is not a legal concept and is not prohibited *per se* by UK law.

There is no standalone offence of inciting hatred on grounds of transgender identity in England and Wales (although there are laws relating to incitement to hatred on grounds of race, religion and sexual orientation).

In Scotland there is an offence of stirring up hatred against transgender people. This law does not make it an offence to describe or report a person's sex accurately.

Privacy

The European Convention on Human Rights provides for a qualified right to privacy[9], incorporated into English law by way of the Human Rights Act 1998. The ECHR states: "Everyone has the right to respect for his private and family life, his home and his correspondence" (Article 8). The courts balance this against the right to freedom of expression (Article 10).

A person's sex is rarely private information. Exceptions include when someone's entire identity is private (for example a person who has made an anonymous donation or purchase, or the anonymous author of a piece of writing).

A transgender person with a Gender Recognition Certificate who is living "in stealth", (that is, is socially accepted as their acquired gender and has severed all relations with those who knew them in their previous identity) might reasonably expect their sex to be private information. That their sex and their "acquired gender" are different is not a story in itself.

A person who cross-dresses at home, as a hobby or as part of sexual activity, might also view this as private information which there is no public-interest justification for publishing.

[9] *European Convention on Human Rights* (2013).

What does IPSO say?

Two clauses of the Editors' Code of Practice produced by the Independent Press Standards Organisation, which regulates its members, are especially relevant when reporting on transgender people or issues. They are:

Clause 1

i) The Press must take care not to publish inaccurate, misleading or distorted information or images, including headlines not supported by the text.

Clause 12 (Discrimination)

i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability.

ii) Details of an individual's race, colour, religion, gender identity, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

Accurate references to a person's sex as male or female, or as a man or woman, do not contravene Clause 1, since they are accurate. Nor do they contravene Clause 12 (i), since they are neither prejudicial nor pejorative.

In reading Clause 12, it should be understood that "gender identity" is not the same as sex. A person's sex is not considered sensitive information; but their (trans) gender identity is. Gender dysphoria may be considered a disability and thus also sensitive.

Clause 12 is also relevant when reporting on the interaction between trans issues and sexual orientation, since some transactivists argue that sexual orientation should be understood as relating to gender identity rather than sex. For example, they think that:

- a man whose orientation is towards women would count as a lesbian as long as he identified as a woman
- a woman whose orientation is towards women should therefore regard men as members of her dating pool if they identify as women.

This is not how most people experience or describe their own orientation. Most people regard themselves being attracted towards their own sex, the other sex or both sexes (and this is also how sexual orientation is defined in the Equality Act 2010).

If you adopt the activist definition of sexual orientation as depending on stated gender identity rather than sex, you therefore risk misleading your audience.

Describing sexual orientations that are based on sex rather than gender identity as bigoted or exclusionary risks contravening Clause 12 (i).

Similar considerations hold for religion (and arguably non-religious belief systems, which have the same legal protection in the Equality Act as religious ones).

Some religions and beliefs recognised as worthy of protection under the act's provisions are "sex-realist": that is, they involve recognising sex as real, binary and immutable. These include Orthodox Judaism and certain strands of Islam, which impose behaviour codes that require people to recognise the sex of those around them. Gender-critical belief – recognising that sex is binary, and regarding that fact as important for upholding human rights – is another.

Journalists should not suggest that it is lawful to discriminate at work or in the provision of a service on the basis of what people believe, or don't believe, about gender, since to do so would be inaccurate.

You should also avoid implying that there is anything wrong with holding and manifesting a sex-realist belief, whether gender-critical or religious. To do so would risk contravening Clause 12.

Reporting on specific topics

Transition

It is not usual to mention someone's private parts when you are reporting on them. However, that is because the accurate, ordinary words "man" or "male" and "woman" or "female" have always been understood to refer to the two sexes. In other words, they encode information about people's sexed bodies, including their genitals and secondary sex characteristics, without these having to be mentioned explicitly.

When it comes to reporting on trans-identified people, you therefore face a dilemma. It does not seem polite to mention people's genitals, and indeed it may be inappropriate to ask about them. **The question you need to ask yourself is: is it relevant?** If you are reporting on a trans person receiving an award or taking a part in a film, it is not. However, it is entirely relevant to mention whether a male person still has male genitals if that male person is using women's private facilities or is serving a sentence in a women's jail. Likewise, if you are reporting on a transman who has had a baby, it is not prurient, but natural, for your audience to require information on what that transman's transition involved.

People who have changed identity

It is not accurate or truthful to transition people retroactively.

If a man presented and self-described as such when he did something you are writing about – fathered children, founded a company, acted in a film, committed a crime, won a sporting competition – you will be confusing and misleading your audience if you use a name and pronouns he did not use at the time. And similarly for a woman who has started to identify as a man. To give two examples, the star of *Juno*, a film about a young woman who becomes pregnant unintentionally, was Ellen Page (you can add "now Elliot Page" if that is helpful for your audience). And the winner of the 1976 Men's Olympic Decathlon was Bruce Jenner.

It is perfectly appropriate to say these things, even in a current piece about Elliot Page or Caitlin Jenner. No man could have played Juno; no woman could have competed in the men's Olympic decathlon (indeed, there has never been a female Olympic decathlon event).

Remember, too, that other people may be involved in the story.

- A trans-identified person's intimate partner may find the recasting of their relationship highly offensive. If a man starts to identify as a woman, that does not make his wife, or former wife, a lesbian (and similarly when a woman starts to identify as a man, or for same-sex partners whose same-sex orientation should not be erased). A transwoman who has fathered children remains their father.
- When transmen give birth they are still mothers, not fathers, and that relationship is important to their children too. It is a human right recognised by the UN to have your birth

accurately registered, and that includes having your mother's name on your birth certificate.

- Misreporting the sex of an offender is not only a serious inaccuracy, it can have a profound impact on victims. A rape victim may be retraumatised by being forced to pretend that the person whose penis penetrated her without her consent was a woman.

LGBT (or LGBTQIA++) people

Umbrella terms are generally suitable only for issues that affect everyone under the umbrella in similar ways – for example, when it comes to broad-based discrimination on the grounds of gender non-conformity – or for lobby groups that campaign on issues relating to all the various constituent groups.

When reporting on a specific person, it is best to use specific words. No one person can be "LGBT". Use the terms lesbian, gay, bisexual or trans for individuals (if their identity is relevant to the story; if it is not, you should avoid them). This is particularly important when talking about lesbians, who have historically been sidelined within the gay-rights movement – do not contribute to lesbian erasure.

Umbrella terms are particularly inappropriate when you are talking about:

- **Sexuality**. Lesbian, gay and bisexual are sexualities; trans is not. You mean LGB, or indeed just one of these.
- **Healthcare**. The issues for the various people included in "LGBT" vary. For example, gay men (and transwomen who have sex with men) are at elevated risk of contracting HIV; lesbians are not.
- **Exclusion**. Historically, this has been suffered in different ways by different groups. Gay men had to conceal their orientation, and were targeted in public places by laws and the police. Lesbians both had to conceal their same-sex attraction and experienced the same oppression and exclusion as all other female people on the basis of their sex, but were not targeted for prosecution in public places.
- **Sport**. The issues here are again different for the various groups under the LGBT umbrella. Gay men face homophobia. All female people, however they identify, suffer from the systemic prioritisation of men's sports, in money, publicity and acclaim. The question of which category trans people should compete in is not a matter of prejudice or acceptance of "LGBT people" or "trans rights"; it is a question of weighing up the inclusion of transwomen (male people) in female events against female people's rights to safe and fair competition. (Transmen – who are female – are not competitive against males, so the issue does not arise the other way round.)

On occasion, the interests of various people under the LGBT rubric not only differ, but clash.

Laws that prioritise gender identity over sex are not in the interests of people who experience their sexual orientation as encompassing only people of one sex or the other.

Laws that permit people of one sex to enter spaces intended solely for use by the other sex harm women more than they harm men (because men commit most violent crime and nearly all sexual crime, including voyeurism and indecent exposure). Such laws therefore harm lesbians more than they harm gay men.

Women

The collective noun for the people with the biology that means they menstruate, get pregnant, give birth, lactate and go through menopause, and who therefore need cervical-smear tests, maternity services and abortions, is "women". A small number of people identify as women who do not have this biology, or have this biology and do not identify as women. But that is not a good enough reason to abandon ordinary, polite, accurate words such as girl, woman, female, mother and so on.

Do not use terms such as "cervix havers", "uterus owners", "chest feeders", "bleeders" or the like to refer to women.

Delineating any group of people by reference to body parts or functions is offensive and dehumanising. Note that these terms are confusing for people with low literacy or for whom English is not their first language. And they are also the opposite of inclusive: the proportion of women who do not know what a cervix is, or whether they have one, is far larger than the proportion of women who do not identify as women.

In certain circumstances, it may be reasonable to say "women and transmen" (for example, in a public-health campaign that is relevant to everyone with female biology), or to note that a service or space is either suitable for or not needed by transwomen. When you are referring in more general terms to female people, there is no need for these additions or clarifications. In everyday usage, "women" includes transmen and "men" includes transwomen, and the same for other sexed words.

Remember that UK equality law permits female-only services – which will by definition exclude transwomen – where appropriate.

In discussions of women's issues, such as sex-based violence, sex discrimination in pay, or whether male people should have access to women's spaces or sports, **it is not appropriate to take transwomen's voices as representative of women**. This does not mean you cannot quote them if they have something to contribute, and it is made clear that they are male. A

panel that contains only men and transwomen is, in effect, a "manel": it has no female voices.

It is particularly inappropriate to ask a transwoman (a male person who identifies as a woman) to speak for female athletes on the issue of trans inclusion. Transwomen are seeking entry to a closed competition that *a priori* excludes them. The people whose voices matter most on this issue are those who stand to lose out, namely female athletes.

Note also that a transwoman cannot be "the first female winner of a championship" or "Britain's richest self-made businesswoman" or suchlike. Such misrepresentations are particularly offensive when discussing an activity from which women were historically excluded on the basis of sex.

Do not present transwomen's achievements as if they are female people's achievements, since that would be inaccurate and misleading.

Children

The evidence from more than a dozen studies is extremely consistent: pre-pubescent children who say they are, or wish to be, members of the opposite sex mostly stop feeling like this, usually before or early in puberty. A large share grow up to be gay. It is not possible to say which children will continue to identify as trans, and which ones will not.

So avoid talking about "trans children" – your audience will incorrectly assume that this refers to children who are certain, or nearly certain, to identify as trans for the rest of their lives.

Note that there is no consensus on treatment, in particular on whether it is in the child's best interests to treat them "as if" they were members of the opposite sex. Reviews in 2020 by the National Institute for Health and Care Excellence (NICE) of the evidence base for use of puberty blockers and cross-sex hormones by under-18s, undertaken as part of the Cass review of paediatric gender medicine, found that the evidence base for both was extremely weak[10]. In her interim report, Dr Cass cautioned that "there are significant gaps in the research and evidence base". Health-care professionals, she said, had told her that they felt under pressure to adopt "an unquestioning affirmative approach" that is "at odds with the standard process of clinical assessment and diagnosis that they have been trained to undertake in all other clinical encounters

[10] Society for Evidence Based Gender Medicine (2021). *New Systematic Reviews of Puberty Blockers and Cross-Sex Hormones Published by NICE.*

Until recently, clinicians' standard approach to young gender-distressed children was to offer support and counselling to them and their families, but not to affirm their gender identity or recommend that they "socially transition" – be presented to others as if they have actually changed sex. Social transition was left until adolescence, at the earliest. There is no evidence to support social transition in early childhood, and clinicians are increasingly speaking out against it.

Talk instead of gender-distressed or gender-confused children, or children who identify as trans, or who dissociate from their sex.

In the UK (though not in some other countries), there is no legal provision for changing sex under the age of 18, so all minors are legally of their birth sex for all purposes. You may choose to refer to a child using names and pronouns associated with the opposite sex, if that is how they are known. But it is neither accurate nor fair to a child whose identity is still being formed to present them to readers or viewers as if they actually are members of the opposite sex. It is also misleading for your audience.

Mental-health issues and suicide

A growing amount of evidence suggests that children who identify as trans are more likely than others to have mental-health issues. Those attending gender clinics have unusually high instances of autistic traits or autism-spectrum disorders, depression, anxiety, self-harming and eating disorders. They are a highly vulnerable group, and it is important to be sensitive when writing about them.

Some lobby groups spread alarmism about the supposed high likelihood that children who identify as trans will kill themselves unless they are immediately affirmed in their gender identity. This is false, and also unethical.

The evidence suggests that:

- gender-distressed and gender-confused children are not at unusually elevated risk of suicide
- to the extent that their risk of self-harm or suicidal ideation is elevated, that is explained by the fact that many suffer from "co-morbidities" – other mental-health conditions that raise the risk of self-harming behaviours
- there is no evidence that transitioning will resolve these other issues, or that it will lower the risk of self-harm or suicide.[11]

[11] J. Michael Bailey and Ray Blanchard (2017) 'Suicide or transition: The only options for gender dysphoric kids?' 4thWaveNow.

The most important consideration for reporters is to remember that self-harm and suicidal ideation are known to be contagious. You should follow the Samaritans' guidance, which says that you should avoid attributing suicide to any one particular issue, or implying that people with certain characteristics are highly likely to kill themselves.

> "Young people are at greater risk of suicide contagion and are more likely to be influenced by what they see and hear in the media than other age groups."
>
> "Sensational and excessive reporting has been shown to increase the likelihood of imitational suicidal behaviour among vulnerable people, including young people."

Crime

Most violent and sexual crime is committed by men. Women are routinely victimised, and rarely victimise others. To illustrate, just 4,000 out of the 88,000 people in prison in England and Wales are women.[12]

Male prisoners not only far outnumber female ones; their crimes are more likely to be violent, and far more likely to be sexual in nature (19% of male prisoners were convicted for sexual crimes, and just 4% of females). The pattern is similar around the world and in every society throughout recorded history.

If you report crimes committed by men as having been committed by women, you are obscuring the facts. **You should take extra care not to mislead your audience with "preferred pronouns".**

When a male-pattern crime is committed by a person who uses a woman's name and female pronouns, but who is in fact male, you should make that clear at the beginning of your piece, and in any standalone material that will appear on social media. So: "Transwoman [or trans-identifying male] convicted for child rape", not "Woman convicted for child rape", and so on.

Court cases

Many courts now use "preferred pronouns" for a defendant, even when the defendant's sex is obvious. This is presented as near-mandatory in the *Equal Treatment Bench Book*, a handbook written by judges for judges on how to ensure that hearings are not discriminatory.

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[12] Ministry of Justice (2022). *Prison population figures: 2022* (England and Wales). Public Health Information for Scotland (2022). *Prison population*.

The ETBB does not have formal legal standing, but is highly influential. The result is that many reporters believe they are required to use preferred pronouns, too.

Faithful court reporting during a hearing does indeed require using the pronouns used by court officials and lawyers (unless you avoid using pronouns altogether). But this does not mean that the defendant's sex cannot be reported, unless there is a specific reporting restriction.

You are under no ongoing legal obligation to talk of male rapists and paedophiles as women, or to use the pronouns "she" and "her", even if that was how they were described during the hearing.

Nor do you have to avoid mentioning the fact that a person who was referred to throughout a hearing as female is obviously male.

As always, your first duty is to be accurate and inform your readers.

Trans people as crime victims

It is commonly claimed that trans people are at extremely heightened risk of being the victim of a crime.

You should avoid making this claim, as there is no evidence to support it.

Statistics that purport to show that trans people are at unusually high risk of suicide or violent crime all rely on very poor-quality evidence. The two sources most often cited are the US Transgender Survey of 2015 and a survey by British charity PACE in 2014. Both are of self-selected samples, meaning that the results are not representative of any broader group. Both have been debunked as sources of population-level statistics on trans people.

Collected case studies of trans people who have been murdered feature many murders in South America. In this part of the world murder rates are far higher than in Europe or North America. Trans people in this region are at very high risk of homophobic attacks in public because of their perceived gender non-conformity. They also disproportionately work in street prostitution, which increases the risk of assault still further.

In safer parts of the world, the characteristics that would put a particular trans person at high risk of assault and murder are the same as for anyone else, such as homelessness and drug addiction.

Sport

Sport is a hotly contested issue where sex and gender are concerned. A person's sex is therefore always a relevant fact to be reported, since failing to do so will seriously mislead your audience.

Avoid describing the question of whether sport categories should be based on sex or self-declared gender identity as a question of "trans inclusion", since this is inaccurate.

In fact, it solely concerns transwomen, since transmen are not competitive in men's events. Male people are on average much stronger and faster than female people, even if those female people are taking testosterone.

It is also not a matter of prejudice or acceptance of "LGBT people" or "trans rights", but of weighing up the inclusion of transwomen (male people) in female events against female people's rights to safe and fair competition.

You should therefore avoid reporting on this issue as if it was about bigotry or prejudice when in fact the central issue is fairness to women.

Sporting categories exist for a reason: in order to allow people without overwhelming group-type advantages to display exceptional ability. Under-18s vary hugely in size, strength and sporting prowess, yet they have separate events from which everyone aged 18 and over is excluded. It would be unfair to allow any adults to compete in the under-18 category – even adults who are unusually small or unfit. The under-18 category exists in order that the very best under-18s can be identified and rewarded, an aim that would be compromised if all over-18s were not excluded, without exception.

Female events exist for a similar reason: to enable exceptional females to shine.

Women are on average smaller than men, with a greater proportion of body fat and lower proportion of muscle, and with musculo-skeletal characteristics that are less suited to athletic activities. Every year thousands of boys aged under 18 beat female world records in pretty much every sporting event. Acknowledging these physical differences is neither prejudice nor an insult to women (other evolved sex differences are in women's favour, such as better immune systems and longer lifespans).

If you are writing about this controversy, you should familiarise yourself with the research demonstrating that the male sporting advantage is so enormous that it swamps all other categorical differences between adults.[13]

[13] See for example Jon Pike, Emma Hilton and Leslie A Howe (2021). *Faster, higher stronger* (MacDonald-Laurier Institute) and the Boys Vs Women website, which plots the results for male high-school athletes against those of female Olympians.

You should avoid giving the impression that lowering blood testosterone levels can be a solution (the evidence is that it makes little difference[14]) or that female athletes should be satisfied with taking part and shouldn't care about winning. Would you say this about male athletes faced with unfair competition, for example athletes who are doping? If not, then you are being sexist.

[14] Emma N Hilton & Tommy R Lundberg. 'Transgender Women in the Female Category of Sport: Perspectives on Testosterone Suppression and Performance Advantage'. *Sports Medicine* 2021 Feb; 51(2):199–214.

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